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Steven M. Casey

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Qwest Communications International Inc.
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EXAMINER

NGUYEN, VAN KIM T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,454	Applicant(s) CASEY ET AL.	
	Examiner Van Kim T. Nguyen	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on August 3, 2009.

Claims 1-46 are pending in the application.

Response to Arguments

2. Applicant's arguments, see page 2, filed August 3, 2009, with respect to the rejection of claims 1-46 under the first paragraph of 35 USC §112 have been fully considered and are persuasive. The rejection of claims 1-46 under the first paragraph of 35 USC § 112 has been withdrawn.

3. Applicant's arguments, see page 2, filed August 3, 2009, with respect to the rejection of claims 7-13 under the second paragraph of 35 USC §112 have been fully considered and are persuasive. The rejection of claims 7-13 under the second paragraph of 35 USC § 112 has been withdrawn.

4. Applicant's arguments filed August 3, 2009, with respect to the rejection of claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 under 35 USC §102(e) have been fully considered but they are not persuasive. Applicant's essentially argued that U.S. Patent No. 7,264,590 issued to Casey et al ("Casey") is not qualified as a prior art under 35 USC §102(e) since Casey and the instant application have the common inventors of "Steven M. Casey" and "Bruce A. Phillip", as well as a common assignee of "Qwest Communications International, Inc." (see page 13). However, as specified in MPEP 706.02(f), "Note that, where there are joint inventors, only one inventor needs to be different for the inventive entities to be different and a rejection under 35 U.S.C. 102(e) is applicable even if there are some inventors in

Art Unit: 2456

common between the application and the reference." Since the instant application and U.S. Patent No. 7,264,590 have different inventive entities, i.e., "Casey Shawn," "Donald Brodigan," and "Kurt Campbell" are not common inventors, claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 stay rejected under 35 USC §102(e).

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Casey et al (US 7,264,590), hereinafter Casey.

Regarding claims 1, 22 and 35, Casey discloses a system for medical monitoring of a patient at a customer patient premises, comprising:

a medical-data collection device (109; Figure 1A-D) that collects medical data from the patient, wherein the medical-data collection device is interfaced with a transport medium (124, Figure 1A-D) internal to the customer patient premises 116 (col. 9: lines 38-48); and

a network interface device (108; Figure 1A-D) disposed at a perimeter of the residential patient premises (116), the network interface device having;

an isolation device (108; Figure 1A-D) adapted to isolate a transport medium internal to a customer premises from a transport medium external to the customer premises such that operational changes to one of the internal and external transport media do not affect the other of the internal and external transport media (col. 5: line 65 – col. 6: line 11 and col. 9: lines 20-29);

Art Unit: 2456

a first interface (112A-B; Figure 1A-D) coupled with the isolation device (108; Figure 1D) and adapted to communicate with the external transport medium (112A-B; Figure 1A-D), wherein the external transport medium is in communication with a distribution point (104A-B; Figure 1A-D);

a second interface (124A-C; Figure 1A-D) coupled with the isolation device (108) and adapted to communicate with the internal transport medium (col. 9: lines 38-60); and

a plurality of microservers (109A-C, Figure 1A-D) disposed external to the customer premises (116, Figure 1A-D) and coupled with the first and second interfaces, wherein the plurality of microservers are adapted to receive information from the external transport medium and includes software and hardware for implementing a first medical-monitoring microserver to process the collected medical data and a second medical-monitoring microserver to exchange the data between the internal transport medium and the external transport medium (col. 12: line 38 – col. 13: line 34, and col. 15: lines 25-40), wherein the plurality of microservers are plug-and-play combatable such that any of the plurality of microservers are configured to be able to be added and/or removed from the network interface device at any time and without configuration (col. 6: lines 6-11 and col. 9: lines 20-29), and wherein the plurality of microservers are integrated in the network interface device (col. 8: lines 2-5 and col. 9: lines 7-13);

a processor (244; Figure 2A) in communication with the plurality of microservers (232, 236; Figure 2A) and having software instructions to coordinate transmission of the collected medical data over the transport medium external to the residential patient premises (Figure 2A; col. 17: lines 12-46);

Art Unit: 2456

wherein the isolation device adapted to provide communications security by preventing a microserver from accessing communications information which is associated with another microserver (col. 6: line 40 - col. 7: line 3 and col. 18: lines 36-56).

Regarding claim 2, Casey also discloses the isolation device and the plurality of microservers are disposed within a common housing (col. 8: lines 2-5).

Regarding claim 3, Casey also discloses the common housing is disposed on an exterior wall of the customer premises (col. 9: lines 7-10).

Regarding claims 4 and 23, Casey also discloses an addressable application device coupled with the plurality of microservers, wherein the addressable application device is adapted to receive the processed telecommunication information and to execute a defined application as an aid to implementing the microserver functions over the internal transport medium (col. 7: lines 26-44).

Regarding claim 5, Casey also discloses the addressable application device is disposed external to the customer premises (col. 7: lines 31-36).

Regarding claim 6, Casey also discloses the isolation device, the plurality of microservers, and addressable application device are disposed within a common housing (col. 18: lines 36-56).

Art Unit: 2456

Regarding claims 7, 24 and 36, Casey also discloses the authentication microserver is adapted to verify that the microserver functions are authorized for the customer premises (col. 12: lines 10-25).

Regarding claims 8, 25 and 37, Casey also discloses the file-transfer microserver is adapted to transfer an electronic file of information to or from the network interface device (Figure 3; col. 21: line 46 – col. 22: line 28).

Regarding claims 12, 27 and 39, Casey also discloses the plurality of microservers comprise a code-processing microserver adapted to receive code and process the code for use by another component of the network interface device (col. 17: lines 27-46 and col. 20: lines 49 – col. 21: line 11).

Regarding claims 13, 28 and 40, Casey also discloses the webserver microserver adapted to render a display of incoming web page information suitable for presentation with a web-browser enabled device (col. 21: lines 9-11).

Regarding claims 17, 32 and 44, Casey also discloses the plurality of microservers comprise a wireless microserver adapted to provide an interface between wireless communications within the customer premises to the external transport medium (col. 10: lines 42-59).

Art Unit: 2456

Regarding claims 18, 33 and 45, Casey also discloses the plurality of microservers comprises an RF power-level microserver adapted to monitor an RF power level of telecommunication information received at the first interface (sufficient signal strength is provided to permit the transmitter 135 to be moved around the patient premises without loss of signal; col. 10: lines 60-65).

Regarding claim 19, Casey also discloses the plurality of microservers comprise a test-access microserver adapted to verify proper functioning of another component of the network interface device (control point 128 operated by a medical service provider for controlling features of the operation of the demarcation device 108; col. 11: lines 6-24).

Regarding claim 21, Casey also discloses upgradeable firmware that supports the plurality of microservers (271, Figure 2C; col. 20: lines 50-53).

7. Claims 9-11, 15-16, 20, 26, 30-31, 34, 38, 42-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of Rakib (US 6,970,127).

Regarding claims 9-11, 26 and 38, Casey discloses substantially all the claimed limitations, except a dynamic host configuration protocol microserver adapted to manage an internet-protocol address assignment to a device coupled with the internal transport medium.

As shown in Figure 8, Rakib teaches a home gateway comprising a DHCP server 320 assigns addresses to clients on the LAN and in the gateway (col. 27: lines 16-17; Figure 8).

Art Unit: 2456

Obviously, internet-protocol address assignment can either be public or private address assignment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rabik's method of using a DHCP server in Casey's system in order to access, control and monitor the gateway remotely.

Regarding claims 15, 30 and 42, Casey-Rakib also teaches the plurality of microservers comprises an instant-messenger microserver adapted to provide instant-messaging functionality over the internal transport medium (Rabik; col. 23: lines 13-17).

Regarding claims 16, 31 and 43, Casey-Rakib also teaches the plurality of microservers comprises:

a webserver microserver adapted to render a display of web-page information suitable for presentation with a web-browser enabled device (Rabik; col. 31: lines 25-38); and

an advertising microserver adapted to overlay an advertisement over the display of web-page information (Rabik; col. 22: lines 63-67)

Regarding claims 20, 34 and 46, Casey-Rakib also teaches a webserver microserver coupled with the plurality of microservers and adapted to provide a customer-based graphical user interface for implementing software configuration changes of the microserver (Moore-Bhagal; col. 5: lines 60-67 and Rabik; col. 31: lines 25-38).

Art Unit: 2456

8. Claims 14, 29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of Johnson et al (US 5,694,616).

Casey does not explicitly disclose initiating an email alert in response to receipt of an email at an email account.

Johnson et al teaches initiating an alert in response to receipt of an email message at an email account (col. 3: lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Johnson's method of notifying the receiving of email in Casey's system in order to provide receivers with a friendly user email product that alerts users with receiving messages.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2456

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2456

vkn

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456